

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT BOSCH LLC,

Plaintiff,

v.

Case No. 12-11503

SNAP-ON INC. and
DREW TECHNOLOGIES, INC.,

Defendants.

ORDER SETTING TELEPHONE CONFERENCE

On January 31, 2012, the court issued an opinion and order dismissing without prejudice the complaint in *Drew Technologies, Inc. v. Robert Bosch, L.L.C.*, Case Number 11-15068, which sought a declaratory judgment that Drew Technologies, Inc. ("Drew") was not infringing a patent held by Robert Bosch, L.L.C. ("Bosch").

Recognizing that Bosch had first filed a patent-infringement action involving the same technology in the United States District Court for the Central District of California against Drew and one of its customers, Snap-On Inc., this court opted to dismiss without prejudice the declaratory-judgment suit to allow the California court to decide the forum in which the parties' dispute should proceed.

On April 3, 2012, the California court granted Drew's motion to transfer the patent-infringement action to the Eastern District of Michigan. That case, *Robert Bosch LLC v. Snap-On Inc.*, was reassigned to this court as Case Number 12-11503. See E.D. Mich. LR 83.11(b)(7). Additionally, on April 9, 2012, Drew filed a notice of reopening in the declaratory-judgment suit, Case Number 11-15068, in light of the

California court's decision to transfer the patent-infringement action to this forum. Because both Case Number 12-11503 and Case Number 11-15068 present substantially the same legal issues, the court is inclined to proceed in one case only, and dismiss the other, or to consolidate both. The parties should be heard before the court acts, however. Accordingly,

IT IS ORDERED that counsel for the parties in Case Number 11-15068 and Case Number 12-11503 shall participate in a telephone conference on **May 9, 2012, at 10:00 a.m.** The court will place the telephone call. Counsel should be prepared to discuss their preferences for how to best organize their dispute going forward. In advance of the conference, counsel should also review the court's practice guidelines for patent cases, available on the court's website at the following address:
http://www.mied.uscourts.gov/Judges/guidelines/topic.cfm?topic_id=439

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 25, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 25, 2012, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522